

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:10CR51
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
DEANDRE L. SMITH,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's notice of appeal (Filing No. 46) and the Clerk's memorandum regarding in forma pauperis status (Filing No. 47).

On September 27, 2011, the Court denied the Defendant's motion filed under 28 U.S.C. § 2255 for the reason that the motion included no facts or argument. The Defendant did not file a certificate of appealability. Rather, he filed a motion for reconsideration, which the Court denied. (Filing No. 43.) The Defendant then filed a motion (1) for relief from the Judgment denying his § 2255 motion and (2) requesting leave to amend his § 2255 motion. The Court also denied this motion. (Filing No. 45.) The Defendant now appeals from this Court's Order (Filing No. 45). This matter is "frivolous" within the meaning of 28 U.S.C. § 1915(e)(2)(B)(i), and therefore the Defendant is denied leave to proceed in forma pauperis on appeal.

IT IS ORDERED:

1. The Defendant is denied leave to proceed in forma pauperis on appeal; and
2. The Court is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 9th day of December, 2011.

BY THE COURT:

S/Laurie Smith Camp
Chief United States District Judge